

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

DIA ARMON WALTON, )  
 )  
 Plaintiff, ) CIVIL ACTION NO.  
 ) 2:19cv713-MHT  
 v. ) (WO)  
 )  
 CORIZON, et al., )  
 )  
 Defendants. )

OPINION

Plaintiff, a state inmate, filed this lawsuit claiming that he received inadequate medical care following a serious injury to his leg. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that defendants' motion for summary judgment be granted. There are no objections to the recommendation. After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation should be adopted, but only to the extent that plaintiff's claims were brought pursuant to 42 U.S.C. § 1983, and with the exception that the court does not adopt any affirmative

factual findings in the report and recommendation as to the reasonableness, appropriateness, or timeliness of the care provided by the individual defendants. See Report and Recommendation (Doc. 29) at 19. Instead, as to the claims against the individual defendants, the court simply finds that plaintiff failed to submit sufficient evidence for a reasonable jury to find that they were deliberately indifferent to a risk of serious harm to him.

Plaintiff's complaint does not specify whether his claims were brought under federal or state law, and they could have been brought as negligence or malpractice claims under state law. To the extent that plaintiff's claims were brought pursuant to state law, the court declines to exercise jurisdiction over them under 18 U.S.C. § 1337(c)(3), as all of the federal claims have been resolved.

An appropriate judgment will be entered.

DONE, this the 21st day of July, 2022.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE